

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended on pages 1-3 and 5.

New claims 10-17 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-17 are now pending in this application. Claims 7-9 have been withdrawn from consideration.

Claims 8 and 9

Claims 8 and 9 are currently withdrawn from consideration. Applicant notes that claims 8 and 9 depend from claims 1 and 4, respectively. Furthermore, claims 8 and 9 recite heating assemblies, which is the elected invention, not a solder or adhesive. Applicant respectfully requests that claims 8 and 9 be considered and examined in the next Office correspondence.

Rejection under 35 U.S.C. § 112

Claims 2-6 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that the amendments to the claims render this rejection moot. Reconsideration and withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 1-6 are rejected on the ground of nonstatutory double patenting over claims 1-17 of U.S. Patent No. 7,399,948. Enclosed with this response is a terminal disclaimer. In addition, the assignment information for U.S. Patent No. 7,399,948 has been updated to reflect a change in name for the assignee of U.S. Patent No. 7,399,948 to Behr France Rouffach SAS. The assignment information for U.S. Patent No. 7,399,948 was updated by a name change filed on July 14, 2009, which was recorded on reel/frame 022951/0293, and a name change filed on July 22, 2009, which was recorded on reel/frame 022980/0776.

Applicant respectfully submits that the terminal disclaimer renders this rejection moot. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2003/0027447 to Cooper *et al.* (hereafter “Cooper”) in view of U.S. Patent No. 4,865,039 to Dunseath, Jr. (hereafter “Dunseath”). This rejection is respectfully traversed.

Claim 1 recites a heating assembly for a motor vehicle, comprising: at least one PTC element, contact plates configured to make an electrical connection with the at least one PTC element, and ribs connected to sides of the contact plates that are opposite to sides of the contact plates electrically connected to the at least one PTC element, wherein the at least one PTC element is arranged between the contact plates, wherein the contact plates and the at least one PTC element are bonded by an adhesive, wherein the adhesive has a resistivity of at least 50 ohms × cm and at most 500 ohms × cm. Claim 4 includes similar language. Claims 2 and 3 depend from claim 1 and claims 5 and 6 depend from claim 4.

The Office suggests on page 4 of the Office Action that Cooper discloses a PTC resistive element attached to contacts. See also paragraphs 0060 and 0067 of Cooper. However, Cooper does not disclose or suggest ribs connected to sides of the contact plates that are opposite to sides of the contact plates electrically connected to the at least one PTC element, as recited in claims 1 and 4. Cooper is silent in regard to this feature. Dunseath fails to remedy the deficiencies of Cooper because Cooper is also silent in regard to this feature.

For at least the reasons discussed above, the combination of Cooper and Dunseath fails to disclose or suggest all of the features of claims 1 and 4. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claims 10-17 have been added. Claims 10-17 depend from claims 1 and 4 and are allowable over the prior art for at least the reasons discussed above and for their respective additional features.

CONCLUSION

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/23/09

By P.D.S.

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369